

Amendment No. 1 to HB2230

**Buck
Signature of Sponsor**

AMEND Senate Bill No. 2895

House Bill No. 2230*

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting Section 3 of the printed bill and substituting the following:

SECTION 3. (a) To protect and maximize the funds available from the state's settlement with the tobacco industry of claims for reimbursement of medicaid costs, awards of punitive damages in private civil litigation in excess of fifty million dollars (\$50,000,000) against one or more of the defendants released from liability pursuant to the Attorney General's Master Settlement Agreement, dated November 23, 1998, shall be satisfied by:

(1) Payment of the greater of fifty million dollars (\$50,000,000) per year or ten percent (10%) of the judgement per year from all such defendants in the aggregate, plus interest on the judgement; and

(2) The civil litigation plaintiffs shall not be permitted to execute on punitive damages judgments in any one year in an amount exceeding each such defendant's pro rata share of fifty million dollars (\$50,000,000) for that year or ten percent (10%) of the judgement for that year, whichever is greater, plus interest on the judgement;

(3) Regardless of whether such punitive damages were awarded:

(A) By a court of this state; or

(B) By a court of another jurisdiction and the damages are being enforced in the courts of this state pursuant to Tennessee Code Annotated, Title 26, Chapter 6, Part 1, the Uniform Enforcement of Foreign Judgments Act.

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(b) This section shall apply to all cases pending on the date of enactment in which an award of punitive damages has not been finally established through trial and subsequent appeal, and to all cases commenced on or after the date of enactment, without regard to the date on which a foreign judgment was rendered in a foreign state. The jury in any such case brought in the courts of this state shall not be informed of the provisions of this section.

SECTION 4. Section 3 of this act shall take effect upon becoming a law, the public welfare requiring it. Sections 1 and 2 of this act shall take effect July 1, 2000, the public welfare requiring it.